

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In re:)	Chapter 7
LILIA NAVARRO)	Case No. 15-08508
)	Honorable Janet S. Baer
Debtor.)	

NOTICE OF MOTION

TO: ALL ECF REGISTRANTS and by FIRST CLASS MAIL TO:
ALL PARTIES LISTED ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that the undersigned has filed the attached **TRUSTEE'S MOTION TO APPROVE SETTLEMENT, AUTHORIZE ADJUDICATION OF LIENS AND APPLICATION FOR FINAL COMPENSATION TO PERSONAL INJURY COUNSEL**, and said motion shall be heard on **JUNE 16, 2015**, at the hour of **9:30AM** before the Honorable Janet S. Baer, or any judge sitting in her stead, in the Dirksen Federal Building, 219 S Dearborn St, Room 615 Chicago IL. A copy of the motion is attached hereto.

Deborah K. Ebner,

By: /s/ Deborah K. Ebner
Deborah K. Ebner, Trustee

Deborah K. Ebner (#6181615)
Law Office of Deborah Kanner Ebner
11 East Adams Street
Suite 904
Chicago, Illinois 60603
(312) 922-3838

CERTIFICATE OF SERVICE

I, DEBORAH K. EBNER, hereby certify that on May 27, 2015, I caused copies of this Notice and attached Motion to be served upon the parties listed on the attached Service List by mailing same in a postage-prepaid envelopes and by electronically serving all ECF Registrants by means of the ECF Filing System.

 /s/ Deborah K. Ebner
Deborah K. Ebner

SERVICE LIST

Patrick S Layng
Office of the U.S. Trustee,
219 S Dearborn St
Room 873
Chicago, IL 60604

Scott E. Encher, Esq.
Steven B. Salk & Associates, Ltd
150 North Wacker Drive
Suite 2570
Chicago, Illinois 60606

Northshore University
HealthSystem Prof. Svcs.
c/o Pinnacle Management Svcs.
514 Market Loop, Suite 103
West Dundee, IL 60118

Geraci Law L.L.C.
55 E. Monroe St.
Suite #3400
Chicago, IL 60603

Bank of America
Attn: Bankruptcy Dept.
Po Box 982235
El Paso, TX 79998

Blue Cross Blue Shield
Attn: Bankruptcy Department
PO Box 3239
Naperville, IL 60566

CAP1/Carsn
Attn: Bankruptcy Dept.
26525 N Riverwoods Blvd
Mettawa, IL 60045

Capital One
Attn: Bankruptcy Dept.
26525 N Riverwoods Blvd
Mettawa, IL 60045

Capital One, N.A.
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Chase Card
Attn: Bankruptcy Dept.
Po Box 15298
Wilmington, DE 19850

Chase/BEST BUY
Attn: Bankruptcy Dept.
Po Box 15298
Wilmington, DE 19850

CHLD/CBNA
Attn: Bankruptcy Dept.
Po Box 6497
Sioux Falls, SD 57117

CITI
Attn: Bankruptcy Dept.
Po Box 6241
Sioux Falls, SD 57117

COMENITY BANK/Nwyrk&Co
Attn: Bankruptcy Dept.
220 W Schrock Rd
Westerville, OH 43081

COMENITY BANK/Roomplce
Attn: Bankruptcy Dept.
Po Box 182789
Columbus, OH 43218

COMENITY BANK/Vctrssec
Attn: Bankruptcy Dept.
Po Box 182789
Columbus, OH 43218

COMENITY BANK/Carsons
Attn: Bankruptcy Dept.
3100 Easton Square Pl
Columbus, OH 43219

Evanston Hospital
Attn: Bankruptcy Department
2650 Ridge Ave.
Evanston, IL 60201

Experian
Attn: Bankruptcy Dept.
PO Box 2002
Allen, TX 75013

Kohls/Capone
Attn: Bankruptcy Dept.
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051

Mcydsnb
Attn: Bankruptcy Dept.
9111 Duke Blvd
Mason, OH 45040

Medical Recovery Specialists
Bankruptcy Department
2250 E. Devon Ave., Ste. 352
Des Plaines, IL 60018

NorthShore Univ Health System
Bankruptcy Dept
23056 Network Place
Chicago, IL 60673

NorthShore Univ Health System
Bankruptcy Dept
23056 Network Place
Chicago, IL 60673

Pinnacle Management Services
Bankruptcy Dept.
514 Market Loop, Ste. 103
West Dundee, IL 60118

Quantum3 Group LLC as agent
for Comenity Bank
PO Box 788
Kirkland, WA 98083-0788

Syncb/AMER EAGLE DC
Attn: Bankruptcy Dept.
Po Box 965005
Orlando, FL 32896

Synco/Gapco
Attn: Bankruptcy Dept.
Po Box 965005
Orlando, FL 32896

Synco/OLD NAVY
Attn: Bankruptcy Dept.
Po Box 965005
Orlando, FL 32896

Synco/SAMS CLUB
Attn: Bankruptcy Dept.
Po Box 965005
Orlando, FL 32896

Transunion
Attn: Bankruptcy Dept.
PO Box 1000
Chester, PA 19022

Van Ru Credit Corp.
Bankruptcy Dept.
1350 E. Touhy Ave., Ste. 300E
Des Plaines, IL 60018

Chicago Orthopaedic and Sports
Medicine
3000 North Halsted St, Suite 527
Chicago, Illinois 60657

Metro Anesthesia Consultants
2720 South River Road
Suite 218
Des Plaines, Illinois 60018

Midwest Neurosurgery and Spine
Specialist
150 North Winfield Rd, Suite D
Winfield, Illinois 60190

Elite Physical Therapy
1921 South Michigan Avenue
Suite A
Chicago, Illinois 60616

Marque Medicos Fullerton, LLC
3735 West Fullerton Avenue
Chicago, Illinois 60647

Archer Open MRI
4365 South Archer Avenue
Chicago, Illinois 60632

Lake County Neuromonitoring
712 South Milwaukee Avenue
Libertyville, Illinois 60045

Industrial Pharmacy
Management
P.O. Box 512518
Los Angeles, California 90051

Medicos Pain and Surgical
Specialists
4176 West Montrose Avenue
Chicago, Illinois 60641

American Center for Spine and
Neurosurgery
712 South Milwaukee Avenue
Libertyville, Illinois 60045

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In re:)	Chapter 7
LILIA NAVARRO)	Case No. 15-08508
)	Honorable Janet S. Baer
Debtor.)	

**TRUSTEE’S MOTION TO APPROVE SETTLEMENT,
AUTHORIZE ADJUDICATION OF LIENS AND APPLICATION
FOR FINAL COMPENSATION TO PERSONAL INJURY COUNSEL**

Deborah K. Ebner, Trustee for the Estate of Lilia Navarro, by and through her attorney, the Law Office of Deborah Kanner Ebner, presents her Motion to Approve Settlement, Authorize Adjudication of Liens and Application for Final Compensation to Personal Injury Counsel. In support of her Motion, the Trustee respectfully states as follows:

1. Lilia Navarro (hereinafter referred to as the “Debtor”) filed her voluntary chapter 7 bankruptcy petition on March 10, 2015.
2. Deborah K. Ebner is the duly appointed and acting Trustee of the Debtor’s chapter 7 case.
3. Property of the Debtor’s Estate includes the Debtor’s claim against Kimco Facilities Service Corporation, and certain others for injuries stemming from a fall that occurred on June 16, 2010, at Debtor’s place of employment. That claim is pending as Navarro v. Kimco Facilities Service Corporation, et al, Case Number 12L7027, in the Circuit Court of Cook Count, Illinois (the “Lawsuit”).
4. Pursuant to orders of this Court, the Trustee was authorized to employ the Debtor’s personal injury counsel Scott Encher and the Law Offices of Steven B. Salk & Associates, Ltd., as special counsel to pursue the Lawsuit (the “Special Counsel”). The terms of Special Counsel’s retention by the Estate were similar to its retention by the Debtor, namely fees

due equal to 33^{1/3}% of the gross recovery by settlement or judgment. A copy of the Attorney-Client Fee Agreement between Special Counsel and the Debtor is attached hereto and incorporated herein as **Exhibit A.** A copy of this Court's order authorizing the retention of Special Counsel is attached hereto and incorporated herein as **Exhibit B.**

5. Through the mediation efforts of Circuit Court Judge Clare E. McWilliams, Special Counsel and Defense Counsel have reached an agreement of full settlement of all claims by and between the Plaintiff and Defendant for \$125,000.00. For the reasons stated with particularity in **Group Exhibit C,** attached and incorporated hereto, Special Counsel recommends the settlement to the Trustee and to this Court. **The settlement specifically includes adjudication of the medical liens through the State Court process and the payment of those adjudicated reduced amounts from the settlement funds¹.**

6. Even though the Bar Date for filing general unsecured claims against this Estate does not expire until July 27, 2015, and September 8, 2015, for government entities, Trustee recommends acceptance of the proposed settlement offer. General unsecured claims listed by the Debtor aggregate \$40,230.00. The settlement provides funds in the amount of \$37,081.06² for the Bankruptcy Estate. But for the structure of the settlement in this particular manner, there would be no funds available for distribution.

7. In addition to the foregoing relief, Special Counsel seeks payment of its fees and costs advanced pursuant to the Attorney-Client Fee Agreement and its employment with the Estate. Special Counsel seeks an award of attorneys' fees in the amount of \$41,666.67 and reimbursement of costs advanced in the amount of \$1,303.83, an itemization of which attached

¹ The medical lien amounts to be allowed and paid are itemized in Group Exhibit C.

² Less a \$15,000.00 exemption.

hereto **Exhibit D**.

Relief Requested

8. Trustee asks the Court to enter the Order approving the Settlement.

9. The Court has broad discretion under Fed. R. Bankr. P. 9019(a) to approve the described settlement, provided that it is in the best interests of the Debtor's estates. *See In re American Reserve Corp.*, 841 F.2d 159, 161 (7th Cir. 1987). The Court need not, however, "conclusively determine claims subject to compromise, nor find that the settlement constitutes the best result obtainable." *In re Apex Oil Co.*, 92 B.R. 847, 867 (Bankr. E.D. Mo. 1988) (citing *In re W.T. Grant Co.*, 699 F.2d 599, 613 (2d Cir. 1983)). Similarly, "a precise determination of likely outcomes is not required, since 'an exact judicial determination of the values in issue would defeat the purpose of compromising the claim.'" *In re Telesphere Communications*, 179 B.R. 544, 553 (Bankr. N.D. Ill. 1994) (quoting *In re Energy Co-Op, Inc.*, 886 F. 2d 921, 929 (7th Cir. 1989)). All that is required is for the Court to "canvass the issues to determine that the settlement does not fall 'below the lowest point in the range of reasonableness.'" *Apex Oil*, 92 B.R. at 867 (citation omitted).

10. In assessing a proposed compromise, the Court must consider: (i) the estate's probability of success in the litigation; (ii) the cost and complexity of the litigation; and (iii) the creditors' view on the settlement, although such views are not controlling. *American Reserve*, 841 F.2d at 161-62; *Apex Oil*, 92 B.R. at 867.

Notice

11. This Motion has been filed electronically, and notice thereof will be provided electronically on the date hereof, via the court's CM/ECF system, to (a) counsel for the Debtor, (b) counsel for the United States Trustee, and (c) entities, or their counsel, who have filed a

notice of appearance through the Court's CM/ECF system. Additionally, this Motion has been served via U.S. Mail on all creditors scheduled by the Debtor, and all medical lien claimants. Trustee asks the Court to find that such notice is sufficient and to approve the same under Fed. R. Bankr. P. 9007.

WHEREFORE, Deborah K. Ebner, Trustee for the Estate of Lilia Navarro, respectfully requests that the Court enter an order attached hereto granting this motion (i) granting this Motion; (ii) approving as a settlement in the amount of \$125,000.00; (iii) awarding and authorizing payment of the following costs and fees by Trustee upon receipt of the settlement proceeds:

Fees: \$44,666.67

Expenses: \$1,303.83

(iv) authorizing the adjudication of liens in State Court, (v) finding that notice of the Trustee's motion is sufficient as given; and (vi) granting the Trustee such other and further relief as this Court may deem just and proper.

Respectfully submitted,
Deborah K. Ebner, not individually, but as
Trustee for the Estate of Lilia Navarro,

By: /s/Deborah K. Ebner, Trustee

Deborah K, Ebner (#6181615)
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